



Water Resources Program Application for a Water Right Permit

For Ecology Use
(Date Stamp)



Follow the attached instructions. Attach additional sheets as necessary.

- ☒ GROUND WATER ☐ SURFACE WATER
☒ PERMANENT ☐ SHORT TERM ☐ TEMPORARY
☐ DROUGHT

***A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION.**

Section 1. APPLICANT

Applicant/Business Name: Borton & Sons, Inc. ATTN: Mr. Malcolm Hanks	Phone No: 509-966-3905	Other No: Mobile: 509-945-3717
Address: 2550 Borton Road		
City: Yakima	State: WA	Zip: 98903
Email Address (optional):		

Contact Name (if different from above): Lawrence E. Martin and Paul C. Dempsey / Velikanje Halverson P.C.	Phone No: 509-248-6030	Other No: Fax: 509-453-6880
Relationship to Applicant: Attorney		
Address: 405 East Lincoln		
City: Yakima	State: WA	Zip: 98907
Email Address (optional): lmartin@vhlegal.com pdempsey@vhlegal.com		

Legal Land Owner or Part Owner Name of the Proposed Place of Use: Applicant corporation (Borton & Sons, Inc.); affiliated organizations, the controlling interest in which is held by Borton Family members who also own and manage the Applicant corporation; and William E. Borton. (See Exhibit "A" hereto.)	Phone No:	Other No:
Address:		
City:	State:	Zip:
Email Address (optional):		

Signatures are required. See page 7.

G4-33046 WRIA 37-Yakima
Cost Re-imb. Priority 12/12/11

For Ecology Use	APPLICATION NO: _____	SEPA: Exempt/Not Exempt
	Fee Paid: _____ Check No: _____	ECY Coding: 001-001-WR1-0285-000011
Date Returned _____	By _____	Priority Date _____ By _____ WRIA: _____

Section 2. STATEMENT OF INTENT

Do you own the land on which the proposed point of diversion/withdrawal is located? ☐ YES ☒ NO *
 If no, do you have legal authority to make this application for use of another's land? ☒ YES ☐ NO

* Title interest in one parcel/POW is held directly by the Applicant corporation (Borton & Sons, Inc.); title interest in the other parcel/POW is held by an affiliated organization (Two Bluffs, L.L.C.), the controlling interest in which is held by Borton Family members who also own and manage the Applicant corporation.

Briefly describe the purpose of your proposed project:

Applicant requests a new groundwater water right (200 gpm / 61.1 AF/year) for year-round domestic and warehouse/industrial use and seasonal lawn/landscaping watering (April 1 – September 15), withdrawals to be made at either or both of two existing wells under Applicant's control. In mitigation, Applicant proposes to donate its existing groundwater permit G4-030317 (50 gpm / 61.1 AF/y), as most recently modified under Ecology Change Authorization CG4-WRC030317, to the Trust Water Rights Program, chs. 90.38 and 90.42 RCW, said donation to take effect, if at all, upon final approval of the instant application and issuance by Ecology of the new groundwater permit. In connection therewith, Applicant wishes to participate in Ecology's Cost-Reimbursement Program for expedited processing of the instant application, as well as the companion TWRP donation application.

Anticipated length of time to complete your project:

Two wells/points of withdrawal are in place; upgraded pumps, electrical and piping to be installed and operational within 12 months following issuance of new permit. Full development and beneficial use of water under the new permit to be achieved within 24 months.

Water Use List all purposes for which water will be applied to a beneficial use and list quantity required for each.

Purpose(s) of Use	Rate (check one box only)		Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
	<input type="checkbox"/> Cubic Feet per Second (CFS)	<input checked="" type="checkbox"/> Gallons per Minute (GPM)		
Domestic supply to three houses, fruit warehouse and office building	Up to 200			Continuous
Fruit spray/processing water	Up to 200			Continuous
Periodic domestic supply to worker cabins	As needed			Continuous
Lawn/landscaping water	As needed			Seasonal 4/1 through 9/15
TOTAL:	200 (maximum combined)		61.1	

Short Term/Temporary Water UseIs this a request for a short term project (less than four months and non-recurring)? ☐ YES ☒ NOIs this request for a temporary permit? ☐ YES ☒ NO

If yes to either question above, indicate the dates that the water will be needed:

FROM: ____/____/____ TO: ____/____/____

Section 3. POINT OF DIVERSION OR WITHDRAWAL

(Complete A or B, and C below)

A.) If Surface Water Source	B.) If Ground Water Source
<input type="checkbox"/> Spring <input type="checkbox"/> Creek <input type="checkbox"/> River <input type="checkbox"/> Lake <input type="checkbox"/> Other: _____ Source Name: _____ Tributary to: _____ Number of proposed diversion points: _____ Do you have an existing diversion? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> Well(s) <input type="checkbox"/> Other: (1) Existing permitted well under G4-030317 (Well Tag AFL770) (2) Existing exempt well (Well Log ID 130836) Well diameter & depth: (1) 8" / 365' (2) 6" / 316' Number of proposed points of withdrawal: <u>2</u> Do you have an existing well(s)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If available, attach Water Well Report and pump test. (See Exhibit "B" hereto.)

C.) Point of Diversion/Withdrawal – Legal Description

(1) Parcel No.	¼	¼	Section	Township	Range	County
171204-14012	SE	NE	4	12N	17E	Yakima
Lot(s)	Block(s)		Subdivision			
If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner: 1680 feet south and 150 feet west of the NE corner Section 4, T. 12N, R. 17E						
(2) Parcel No.	¼	¼	Section	Township	Range	County
171203-22005	NW	NW	3	12N	17E	Yakima
Lot(s)	Block(s)		Subdivision			
If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner: 650 feet south and 110 feet east of the NW corner Section 3, T. 12N, R. 17E						

NOTE: If more than two points of diversion/withdrawal attach additional information on a separate sheet of paper.

Section 4. PLACE OF USE

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

Abbreviated legal Descriptions (with Parcel Numbers):

W1/2 W1/2 E1/2 GOV LOT 4 ALSO W1/2W1/2 NE1/4 SW1/4 NW1/4 (171203-22003); Section 03 Township 12 Range 17 Quarter NW: TH PTN NW1/4 DESC AS FOL: COM AT NW COR SD SEC, TH S 672 FT TO POB; TH S 88° 30' 00" E 595.85 FT, TH N 224.50 FT, TH N 88° 30' 00" 596 FT, TH S 229.70 FT TO POB EX W RD R/W (171203-22005); Section 03 Township 12 Range 17 Quarter NW: W1/2 OF GOV LOT 4 AND NW1/4 OF SW1/4 OF NW1/4 EX N AND W RD R/W AND EX COM AT NW COR SD SEC, TH S 672 FT TO POB; TH S 88° 30' 00" E 595.85 FT, TH N 224.50 FT, TH N 88° 30' 00" 596 FT, TH S 229.70 FT TO POB EX W RD R/W (171203-22006); N 247.5 FT OF S1/2 SW1/4 NW1/4 (171203-23002); GOV LOT 1 EX E CO RD R/W MH>REAL 1981 CROWNPOINT 14X66 SER #3776 (RECORD CHANGE FORM TY 2003) (171204-11001); S 120 FT OF E 150 FT OF TH PT OF SE1/4NE1/4 LY BELOW LAT.H-1 EX CO.RD.ON S (171204-14006); N 348 FT OF S 740 FT OF W 175 FT OF E835 FT & E 660 FT OF SE1/4 NE1/4, EX S392 FT,EX S 56 FT OF E 160 FT EX E CORD R/W (171204-14012); TH PT SE1/4 NE1/4 LY N OF VAC TIETONLAT EX E 660 FT EX N 348 FT OF S 740FT OF W 175 FT OF E 835 FT OF NE1/4 (171204-14013); TH PT SE1/4 NE1/4 LY S OF VAC TIETONLAT EX N 348 FT OF S 740 FT OF E 835FT EX N 130 FT OF S 392 FT OF E 160 FTEX S 170 FT OF W 150 FT EX S & E R/W (171204-14014); N 150 FT OF S 170 FT OF W 150 FT OFSE1/4 NE1/4 (171204-14015); Section 04 Township 12 Range 17 Quarter NE: N 186 FT OF S 448 FT OF W 145 FT OF E 160 FT OF SE1/4 NE1/4 (171204-14016); SW1/4 SW1/4 (171334-33001); and PARCEL 2 BOOK 82-0210 (171334-34406).

(See Exhibit "A" hereto for full legal descriptions, acreage, and ownership of parcels.)

Do you own all the lands on which the proposed place of use is located? ☐ YES ☒ NO.*

* Title interest in all of the above-identified parcels/place of use is held either directly by the Applicant corporation (Borton & Sons, Inc.), or by affiliated organizations, the controlling interest in which is held by Borton Family members who also own and manage the Applicant corporation, or by William E. Borton. (See Exhibit "A" hereto and Section 11 for additional details.)

If no, do you have legal authority to make this application for use of another's land? ☒ YES ☐ NO
Provide owner name(s), address, and phone number:

Are there any other water rights or claims associated with this property or water system? ☒ YES ☐ NO
If yes, provide the water right and/or claim numbers:

YTID irrigation rights for Parcel Nos. 171203-22002; 171203-22005; 171204-11001; 171334-33001 and 171334-34406.

Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map. (See Exhibit "C" hereto.)

Section 5. WATER SYSTEM DESCRIPTION

Describe your proposed water system (include type and size of devices used to divert or withdraw water from source):

Twenty-five (25) horsepower 10-stage turbine submersible pumps will withdraw water at each of the two proposed

wells/points of withdrawal up to a combined maximum 200 gpm, as needed. A control system will limit the total combined withdrawal. The well water will be metered at each point of withdrawal and will be fed into new and existing distribution piping.

Section 6. DOMESTIC WATER SUPPLY SYSTEM INFORMATION

(Complete A or B, and C below)

A.) Domestic Water Systems only	B.) Municipal Water Systems only (defined under RCW 90.03.015)
Projected number of connections to be served: 4+	Present population to be served water: _____
Type of connections: <u>Borton family homes, worker cabins, fruit warehouse and office building.</u> (e.g., home, recreational cabin)	Estimate future population to be served: _____ (20 year projection)
C.) Water System Planning	
Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, date plan was approved <u>01/01/1970</u> Water System Number: <u>04410</u>	
Name of water system: <u>Borton & Sons, Inc. Water System / Class A</u>	
Are you within the service area of an existing water system? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, explain why you are unable to connect to the system: <u>N/A</u>	

Section 7. IRRIGATION/STOCKWATER/OTHER FARM USES

Irrigation

Total number of acres requested to be irrigated under this application = 3 (maximum), limited to seasonal watering of lawns and landscaping adjacent to houses, warehouse and office building.

NOTE: Outline the area to be irrigated on your attached map.

Stockwater

List number and kind of stock:

N/A

Is the proposed project for a dairy farm? ☐ YES ☒ NO

Other Proposed Farm Uses

Describe all proposed uses:

N/A (Agricultural uses of water to be limited to fruit warehousing/processing.)

Family Farm Water Act (RCW 90.66):

Calculate the acreage in which you have a controlling interest, including only:

- Acreage irrigated under water rights acquired after December 8, 1977,
- Acreage proposed to be irrigated under this application, and
- Acreage proposed to be irrigated under other pending application(s).

Is the combined acreage under existing rights greater than 6000 acres? ☐ YES ☐ NO N/A

Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO

If yes, enter Permit No: _____

Section 8. OTHER WATER USES

Hydropower

Indicate total feet of head _____ and proposed capacity in kilowatts: _____ N/A

Describe works:

Indicate all uses to which power is to be applied: _____

FERC License No: _____

Mining/Industrial Use

Describe use, method of supplying and utilizing water: N/A

Other Use N/A

Section 9. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☐ YES ☒ NO

Are you proposing to store more than 10 acre-feet of water? ☐ YES ☐ NO N/A

Will the water depth be 10 feet or more? ☐ YES ☐ NO

If you answered yes to any of the above questions, please describe:

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an Application for Permit to Construct a Reservoir and a Dam Construction Permit and Application.

Section 10. DRIVING DIRECTIONS

Provide detailed driving directions to the project site:

Occidental Avenue west to Borton Road. Turn left on Borton Road; warehouse and administrative office on R.

Site Address:

2550 Borton Road, Yakima, WA 98903.

Section 11. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

John E. Borton
John E. Borton, Applicant

Signature

12-06-11
Date

Secretary-Treasurer Borton & Sons, Inc. (land owner and owner of existing well/mitigation water right G4-030317); Manager/Member of Borton Enterprises, L.L.C. (land owner); and Manager/Member of Two Bluffs, L.L.C. (land owner and owner of existing exempt well)

William R. Borton
William R. Borton

Signature

12-06-11
Date

Chairman/President, Borton & Sons, Inc. (land owner and owner of existing well/mitigation water right G4-030317); Manager/Member of Borton Enterprises, L.L.C. (land owner); Manager/Member of Two Bluffs, L.L.C. (land owner and owner of existing exempt well); and individual land owner of Parcel No. 171204-14006.

Please check the region in which the project is located:

*Submit your application to: DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 - 160 th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

If you need this document in an alternate format, please call the Water Resources Program at 360-407-6872.
Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

If you have questions about your application, contact the Water Resources program at the regional office in which your project is located.

